



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Judith Williams Jagdmann**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

November 2, 2005

Dr. Jo Lynne DeMary  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Proposed Regulations for Conducting Division-Level Academic Reviews  
(8 VAC 20-700-10 et seq.)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to propose the above-referenced regulations.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In addition, Chapter 965 of the 2004 Acts of Assembly authorizes the Board to require division level academic reviews, and the submission of corrective action plans. The second enactment of the chapter directs the Board to promulgate regulations to implement the provisions of the act. I conclude, therefore, that the Board possesses the requisite authority to promulgate the above-referenced regulations. In my view, therefore, the Board possesses the requisite authority to promulgate these regulations.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah A. Love  
Senior Assistant Attorney General

